

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 97**H.P. 580 - L.D. 820****An Act to Clarify the Law Regarding
the Payment of the Application Fee
for a Motorcycle Dealer License****Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 29-A MRSA §852, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Initial application fee. The fee for an initial application for a license under this subchapter is \$150. The fee is not refundable. When a new or used car dealer applies for a motorcycle dealer license this application fee is not required.

See title page for effective date.

CHAPTER 98**H.P. 487 - L.D. 694****An Act to Increase the Number of
Elm Trees in the State****Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 12 MRSA §8702-A is enacted to read:

§8702-A. Elm Tree Restoration Fund

1. Establishment of fund. The Elm Tree Restoration Fund, referred to in this section as the "fund," is established as a nonlapsing fund under the jurisdiction of the bureau to promote the restoration of disease-resistant cultivars of American elm in the municipalities of the State. The bureau may apply for and accept any appropriation, grant, gift or service made available from any public or private sources consistent with the purpose of this section and shall deposit any such money into the fund.

2. Use of the fund. Through a community forestry program pursuant to section 8002, subsection 1, paragraph B, the bureau shall develop a process for municipalities to submit proposals and establish criteria for reviewing proposals and awarding grants from the fund. The grants must be used for the planting and maintenance of disease-resistant cultivars of American elm and must match on a one-to-one basis funds raised by a municipality.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
CONSERVATION, DEPARTMENT OF		
Administration - Forestry		
All Other	\$500	\$500
Provides initial allocations to reflect the establishment of the Elm Tree Restoration Fund.		

See title page for effective date.

CHAPTER 99**S.P. 361 - L.D. 1065****An Act to Increase Fines for Long-
term Care Facilities that Fail to
Provide Quality Care to Residents****Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 22 MRSA §7932, sub-§2, as amended by PL 1997, c. 610, §1, is further amended to read:

2. Facility. "Facility" means any ~~boarding home~~ assisted living facility subject to licensure pursuant to chapters 1663 and 1665, any skilled nursing or intermediate care facility or unit subject to licensure pursuant to chapter 405 and any private psychiatric hospital subject to licensure pursuant to chapter 405.

Sec. 2. 22 MRSA §7942, sub-§3, as amended by PL 1993, c. 661, §21, is further amended to read:

3. Long-term care facility. "Long-term care facility" means ~~a residential care~~ an assisted living facility subject to licensure pursuant to chapters 1663 and 1665 and a skilled nursing or intermediate care facility or unit subject to licensure pursuant to chapter 405.

Sec. 3. 22 MRSA §7944, sub-§1, ¶C, as amended by PL 1993, c. 661, §23, is further amended to read:

C. The department may impose a penalty upon a long-term care facility for operating without a license or for a violation of this chapter. The minimum penalty for operating without a license is \$500 per day. A penalty or a combination of

penalties imposed on a facility may not be greater than a sum equal to ~~\$5~~ \$10 times the total number of residents residing in the facility per violation, up to a maximum of ~~\$5,000~~ \$10,000 for each instance in which the department issues a statement of deficiency to a skilled nursing or intermediate care facility, or ~~\$3~~ \$6 times the total number of residents residing in the facility per violation, up to a maximum of ~~\$3,000~~ \$6,000 in each instance in which the department issues a statement of deficiency to any ~~residential care assisted living~~ facility.

See title page for effective date.

CHAPTER 100

H.P. 1028 - L.D. 1450

An Act to Amend Agency Disclosure within the Real Estate Brokerage Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §13279, as enacted by PL 1993, c. 679, §1, is amended to read:

§13279. Real estate brokerage agency disclosure required

A real estate brokerage agency shall provide in a timely manner to buyers and sellers of residential real property a meaningful, written real estate brokerage agency relationship disclosure form as defined and mandated by rules adopted by the commission. For purposes of this section, "residential real property" means real estate consisting of not less than one nor more than 4 residential dwelling units.

See title page for effective date.

CHAPTER 101

H.P. 742 - L.D. 1032

An Act to Require Motor Vehicles to Stop for All Pedestrians in a Marked Crosswalk

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §2056, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Pedestrians in marked crosswalks. When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian crossing within a marked crosswalk ~~when the pedestrian is on the same half of the way or approaching so closely as to be in danger.~~

See title page for effective date.

CHAPTER 102

S.P. 496 - L.D. 1481

An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3503, sub-§5, ¶C, as amended by PL 1993, c. 512, §3, is further amended to read:

C. For consumer-owned electric utilities, except rural electrification cooperatives:

(1) To provide each year a sum equal to not less than 2% nor more than 10% of the term indebtedness represented by the issuance of bonds created or assumed by the utility, which sum must be turned into a sinking fund and kept to provide for the extinguishment of term indebtedness. The money set aside in this sinking fund and all interest accrued to this fund must be devoted to the retirement of the term obligations of the utility and may be invested in such securities as savings banks in the State are allowed to hold;

(2) To provide for annual principal payments on serial indebtedness created or assumed by the utility; and

(3) To provide for a contingency reserve fund, 1/2 of which may be used for capital purposes, to reflect up to a ~~5%~~ 25% addition to yearly revenues over the amount required to operate the electric utility, not including purchased power supply costs, if any. Any surplus in excess of ~~5%~~ this 25% must be used to offset future revenue requirements in the setting of rates. Any interest generated on these funds must be deposited into the contingency reserve fund. The balance in the contingency reserve fund at the close of the utility's fiscal year may not exceed ~~5%~~ 25% of the yearly revenues over the amount required to op-